

CHAPTER 1: PURPOSE AND NEED FOR ACTION

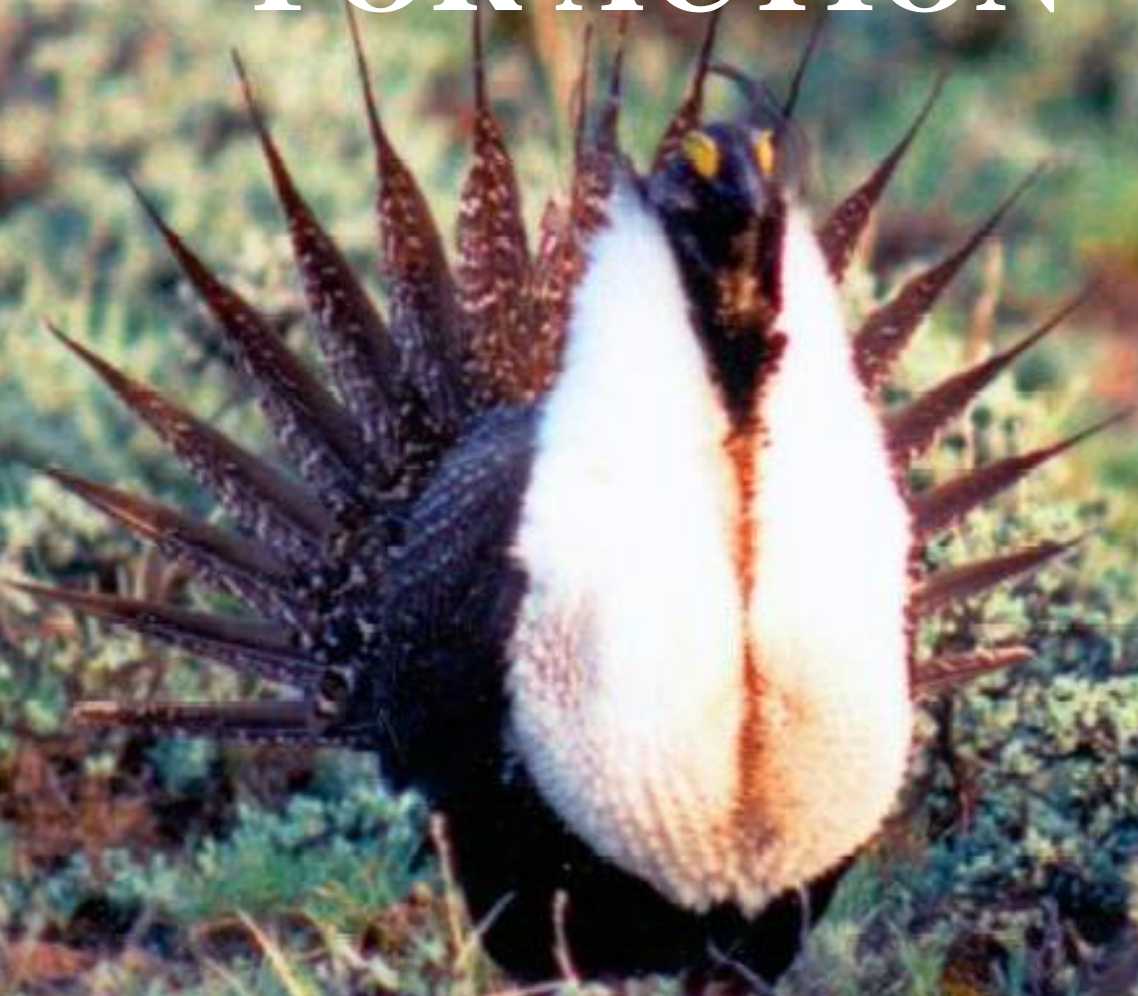


Photo: Greater Sage-Grouse

This page intentionally left blank.

1 Purpose and Need

1.1 Introduction and Background

Chapter 1 contains background information on the planning process and sets the stage for the information that is presented in the rest of the document. There are seven main sections in Chapter 1. They are:

- 1.1 Introduction and Background
 - Historical Overview
 - Land Ownership
 - Description of the Billings Field Office Planning Area
- 1.2 Purpose and Need for the Resource Management Plan Revision
 - Purpose
 - Need for Revising the Existing Plan
- 1.3 Planning Process
 - Nine Step Planning Process
- 1.4 Decision Framework
 - Planning Issues
 - Planning Criteria
 - Land Use Planning Decision Levels
- 1.5 Consistency with Other Programs, Plans, and Policies
- 1.6 Consultation and Coordination
- 1.7 Policy

In accordance with the Federal Land Policy and Management Act of 1976 (FLPMA), the Bureau of Land Management (BLM) is responsible for management of public lands and its resources based on the principles of multiple use and sustained yield. Management direction is provided by land use plans, which determine appropriate multiple uses, allocate resources, develop strategies to manage and protect resources, and establish systems to monitor and evaluate the status of resources and effectiveness of management. Land use plans are intended to guide management, allowing continuing uses of public land over extended time periods.

This Resource Management Plan (RMP) and Environmental Impact Statement (EIS) describes and analyzes four alternatives for the future management of public lands and resources administered by the Bureau of Land Management (BLM), Billings Field Office. The planning area is located in south central Montana and includes 434,154 surface acres of public land and 1,835,484 acres of federal mineral estate in Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone counties in Montana. The Billings Field Office also administers 4,298 acres of public land in Big Horn County, Wyoming (see Table 1-1). The RMP/EIS will also address management for the 51 acres of public land designated as

Pompeys Pillar National Monument (PPNM). Collectively, the lands that BLM administers (surface and mineral estate) are considered the “decision area.”

1.1.1 Historical Overview

In 1946, the U.S. Grazing Service merged with the General Land Office to form the BLM. The foundation for the BLM dates back to the Land Ordinance of 1785, which established the public domain and led to the creation of the General Land Office. The Northwest Ordinance of 1787 instituted the survey and settlement of lands ceded from the 13 colonies to the federal government and lands later acquired by the government from other countries. While the Nation’s westward expansion progressed and the land base expanded, the settlement of western lands was encouraged through the enactment of a variety of laws, including the Homestead acts and the Mining Law of 1872. Over time, the luring of pioneers to settle the west became less necessary and the commercial value of these lands increased. A variety of statutes established to manage mineral, timber, or livestock foraging activities on public lands followed. For example, the Mineral Leasing Act of 1920 allowed leasing, exploration, and production of selected commodities, such as coal, oil, gas, and sodium, on public lands. Another example is the Taylor Grazing Act of 1934, which provided for management of the public rangelands.

After passage of the Federal Land Policy and Management Act of 1976 (FLPMA), BLM-administered lands were managed according to the principles of multiple use and sustained yield. Since 1976, the BLM has managed for multiple use and to balance increasing and competing demands for resources on public lands.

1.1.2 Land Ownership within the Billings Field Office Planning Area

As defined by FLPMA, “...public lands mean any land and interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management...” The U.S. Department of the Interior (USDOI) BLM Billings Field Office is responsible for managing the public lands in Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone counties, Montana as well as 4,298 acres of public land in Big Horn County, Wyoming. County governments have land use planning responsibility for the private lands located within their jurisdictions.

Except for Carbon County, most of the public land in the planning area is in scattered tracts intermingled with state and private lands. Throughout the planning area, there are also intermingled mineral ownerships, as well as federal minerals under privately owned surface, usually referred to as split-estate land. The scattered surface land pattern and varied mineral ownerships, along with split-estate lands, strongly impact management options. Appendix G provides details regarding split estate lands and the BLM’s administrative responsibilities for managing the federal minerals.

The Billings Field Office is located in the south central portion of Montana and covers a total of approximately 10,804,549 surface acres of federal, state, tribal, and private lands in eight counties. Of the total area, the Billings Field Office has surface management responsibility for approximately 434,154 acres (about four percent of the planning area) of BLM administered

public land (herein referred to as public land). The Billings Field Office also has administrative responsibility for 1,839,782 acres of federal mineral estate. The Billings and Pompeys Pillar National Monument RMP decision area also includes administration of 4,298 acres of public land of the Pryor Mountain Wild Horse Range (PMWHR) in Big Horn County, Wyoming (BLM MOU-MT931-6901). The decision area also includes Pompeys Pillar National Monument (51 acres) and Pompeys Pillar area of critical environmental concern.

Collectively, the lands that BLM administers (surface and mineral estate) are considered the “decision area.” RMP decisions apply only to BLM-administered public lands and resources, with the exception being Bureau of Reclamation lands where the oil and gas is under federal jurisdiction then the oil and gas decisions made in this RMP/EIS do apply. Table 1-1 summarizes the surface land ownership within the planning area. In this document, the term “planning area” applies to all lands within the nine-county area, regardless of surface ownership (Map 1). It is important to note that the BLM may only make decisions that affect public lands and resources, but it is responsible for collaborative planning with the public and adjacent jurisdictions so as to consider the impacts of its actions on all resources in the region.

Table 1-1 Land Ownership – Billings Planning Area

County	Ownership (In Acres)		
	BLM Public Lands (in Planning Area)	Federal Mineral Estate (in Planning Area)	Other (Private, State, Other Federal)
Big Horn, MT	7	785	2,572,392
Big Horn, WY ^a	4,298	4,298	0
Carbon	220,556	702,819	1,101,195
Golden Valley	7,943	68,172	745,037
Musselshell	101,247	251,636	1,095,462
Stillwater	5,504	251,897	1,149,208
Sweet Grass	15,893	348,211	1,175,853
Wheatland	1,333	85,319	912,886
Yellowstone	77,373	126,645	1,618,946
TOTAL	434,154	1,839,782	10,370,979

Note:

- a Billings Field Office has administrative authority for 4,298 acres of public land located in Wyoming as part of the Pryor Mountain Wild Horse Range.

1.1.3 Description of the Billings Field Office Planning Area

The planning area is bisected by several major rivers: the Bighorn, Yellowstone, Musselshell, Clarks Fork of the Yellowstone, Stillwater, and Boulder, and includes portions of several mountain ranges: Little Snowy, Snowy, Belt, Crazy, Absaroka, Beartooth, Bull, and Pryor mountains. Except for several contiguous blocks of land in Carbon and Musselshell counties, most of the BLM public lands in the planning area are scattered tracts intermingled with private

and state lands. Lands managed by the Billings Field Office include public domain (lands which have never left federal ownership), acquired lands and/or mineral interests (lands which left federal ownership and were later purchased under the Bankhead-Jones Act, exchanged for, donated, or purchased) and federal mineral estate (subsurface) lands beneath private or state lands or lands administered by other federal agencies (Map 1a and 2). The RMP will not make decisions for the surface or mineral estates of private or state-owned lands and minerals. The RMP, however, will provide stipulations for split estate situations involving federal oil and gas (O&G) overlain by private or state-owned surface.

1.2 Purpose and Need for the Resource Management Plan Revision

Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] 1502.13) require the purpose and need of an environmental impact statement (EIS) to “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives.” The purpose and need section of this RMP/EIS provides a context and framework for establishing and evaluating the reasonable range of alternatives described in Chapter 2.

1.2.1 Purpose

Section 102 of FLPMA sets forth the policy for periodically projecting the present and future use of public lands and their resources using the land use planning process. Sections 201 and 202 of FLPMA establish the BLM’s land use planning requirements. BLM Handbook H-1601-1, *Land Use Planning Handbook*, provides guidance for implementing the BLM land use planning requirements established by Sections 201 and 202 of FLPMA and the regulations in 43 CFR 1600.

The purpose, or goal, of the land use plan is to provide a comprehensive framework for the BLM’s management of the public lands within the planning area, and to ensure these public lands are managed in accordance with FLPMA and the principles of multiple use and sustained yield. The purpose of this plan revision is to consolidate the existing land use plans and their amendments, and to reevaluate, with public involvement, existing conditions, resources, and uses and reconsider the mix of resource allocations and management decisions that are designed to balance uses with the protection of resources pursuant to FLPMA and other applicable law. This resource management plan (RMP) revision will address the growing needs of the planning area and result in selection of a management strategy that best achieves a combination of the following:

- Employ a community-based planning approach to collaborate with federal, state, and local cooperating agencies.
- Resolve multiple use conflicts or issues between resource values and resource uses. The resulting RMP will establish consolidated guidance and updated goals, objectives, and management actions for the public lands in the Billings Field

Office. The RMP will be comprehensive in nature and will address issues that have been identified through agency, interagency, and public scoping efforts.

- Establish goals and objectives (desired outcomes) for management of resources and resource uses within the approximately 434,154 surface/mineral estate acres and an additional 1,839,782 acres of federal mineral estate (underlying private or state surface) administered by the BLM Billings Field Office in accordance with the principles of multiple use and sustained yield.
- Identify land use plan decisions to guide future land management actions and subsequent site-specific implementation decisions.
- Identify management actions and allowable uses anticipated to achieve the established goals and objectives and reach desired outcomes.
- Provide comprehensive management direction by making land use decisions for all appropriate resources and resource uses administered by the Billings Field Office.
- Provide for compliance with applicable tribal, federal, and state laws, standards, implementation plans, and BLM policies and regulations.
- Recognize the nation's needs for domestic sources of minerals, food, timber, and fiber, and incorporate requirements of the Energy Policy and Conservation Act (EPCA) Reauthorization of 2000.
- Retain flexibility to adapt to new and emerging issues and opportunities and to provide for adjustments to decisions over time based on new information and monitoring.
- Strive to be compatible with existing plans and policies of adjacent local, state, tribal, and federal agencies and be consistent with federal law, regulations, and BLM policy.
- Incorporate appropriate management actions and practices to conserve Greater Sage-grouse and its habitats on BLM managed land.

1.2.2 Need for Revising the Existing Plan

Currently, lands within the Billings Field Office decision area, including Pompeys Pillar National Monument, are managed according to the 1984 Billings Resource Area RMP, as amended.

The BLM identified the need to revise this land use plan through a formal plan evaluation completed in 2009. Since completion of the 1984 RMP, considerable changes have occurred within the decision area. Heightened public awareness, increased public demand for use of the lands, and increases in conflict between competing resource values and land uses continue to challenge the BLM's management goals and objectives. The Billings Field Office is facing a

wide variety of issues affecting local communities, regional, and state interests, and the health of the public lands. This, along with emerging issues and changing circumstances, resulted in the need to revise the existing plans. Given the nature of the issues that face the Billings Field Office and their overlap among federal, tribal, state, and local jurisdictions, the Billings Field Office will revise the existing land use plan, as amended, into one planning document – the Billings and Pompeys Pillar National Monument RMP/EIS. This plan revision is a combined effort that addresses both the Billings Field Office and the Pompeys Pillar National monument in a consolidated RMP and associated EIS. This document refers to the combined Billings and PPNM planning areas as the Planning Area and is referenced throughout the document as the Billings and Pompeys Pillar National Monument DRMP/EIS.

There are a number of new issues (such as new Endangered Species Act listings), higher levels of controversy around existing issues, and new (unforeseen) public land uses and concerns that have arisen over the years which were not included or not adequately addressed in the existing plans. These and other select examples of new data, new and revised policies, and emerging issues and changing circumstances demonstrate the need to revise the existing plans.

In March, 2010 the U.S. Fish and Wildlife Service (FWS) published its listing decision for the Greater Sage-Grouse as “Warranted but Precluded.” Inadequacy of regulatory mechanisms was identified as a major threat in the FWS finding on the petition to list the Greater Sage-Grouse. The FWS has identified the principal regulatory mechanism for the BLM as conservation measures in RMPs. Based on the identified threats to the Greater Sage-Grouse and the FWS timeline for making a listing decision on this species, the BLM needs to incorporate objectives and adequate conservation measures into RMPs in order to conserve Greater Sage-Grouse and avoid a potential listing as a threatened or endangered species under the Endangered Species Act.

This RMP revision incorporates specific management actions and conservation measures to conserve Greater sage-grouse and its habitats on BLM land.

1.3 Planning Process

The process for the development, approval, maintenance, and amendment or revision of RMPs was initiated under the authority of Section 202(f) of FLPMA and Section 202(c) of the National Environmental Policy Act (NEPA). The process is guided by BLM planning regulations in 43 CFR 1600 and CEQ regulations in 40 CFR 1500. Development of the RMP represents the first of the two-tiered BLM planning process: the land use planning tier. As such, the RMP prescribes the allocation of and general future management direction for the resource and land uses of the BLM-administered public lands in the RMP planning area. In turn, the RMP guides the second tier of the planning process: the more site-specific activity or implementation planning tier and daily operations.

Activity or implementation planning extends the resource and land use decisions of the RMP into site-specific management decisions for smaller geographic units of public lands within the RMP planning area. Activity planning includes such elements as grazing plans, habitat management plans (HMPs), and interdisciplinary or coordinated activity plans. Through these

plans, the BLM issues various land and resource use authorizations, identifies specific mitigation needs, and develops and implements other similar plans and actions.

All management direction or actions developed as part of the BLM planning process are subject to valid rights and must meet the objectives of the BLM's multiple use management mandate and responsibilities (FLPMA Section 202[c] and [e]). Valid rights include all valid leases, permits, patents, rights-of-way (ROW), or other land use rights or authorizations existing on the date of the approval of FLPMA.

The FLPMA requires the BLM to use land use plans as tools by which "present and future use is projected" (43 U.S.C. 1701 (a)(2)). The act's implementing regulations for planning, 43 CFR Part 1600, state that land use plans are a preliminary step in the overall process of managing public lands, "designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses" (43 CFR Part 1601.0-2). Public participation and input are important components of land use planning.

Revision of existing land use plans is a major federal action for the BLM. The National Environmental Policy Act (NEPA) of 1969, as amended, requires federal agencies to prepare an EIS for major federal actions (USDI Departmental Manual Part 516 Chapter 11.4A(1)); thus, this EIS accompanies the revision of the existing plans. This RMP/EIS analyzes the impacts of four alternative scenarios for management of the public lands and resources within the planning area, including the No Action Alternative. The No Action Alternative reflects current management. The NEPA requires analysis of a No Action Alternative.

1.3.1 Nine-Step Planning Process

The BLM uses a nine-step planning process (see Figure 1-1) when developing and revising RMPs, as required by 43 CFR 1600 and planning program guidance in the BLM Land Use Planning Handbook H-1601-1. The planning process is designed to help the BLM identify the uses of BLM-administered lands desired by the public and to consider these uses to the extent they are consistent with the laws established by Congress and the policies of the executive branch of the federal government.

The planning process is issue-driven (Step 1). The plan revision process is undertaken to resolve management issues and problems as well as to take advantage of management opportunities. The BLM utilized the public scoping process to identify planning issues to direct (drive) the revision of the existing plans. The scoping process was also used to introduce the public to preliminary planning criteria, which set limits to the scope of the RMP revision (Step 2).

As appropriate, the BLM used existing data from a variety of sources and collected new data as necessary to address planning issues and to fill data gaps identified during public scoping (Step 3). Using these data, the planning issues, and the planning criteria, the BLM conducted an Analysis of the Management Situation (AMS) (Step 4) to describe current management and identify management opportunities for addressing the planning issues. Current management reflects management under the existing plans and management that would continue through

selection of the No Action Alternative. The existing affected environment is summarized from the AMS into Chapter 3 of the RMP/EIS. The AMS is included as part of the Administrative Record for this plan and is available in the Billings Field Office and on the Billings Field Office's planning website (http://www.blm.gov/mt/st/en/fo/billings_field_office/rmp.html).

Results of the first four steps of the planning process clarified the purpose and need and identified key planning issues that need to be addressed in the RMP. Key planning issues reflect the focus of the RMP revision and are described in more detail in the Planning Issues section of this RMP/EIS.

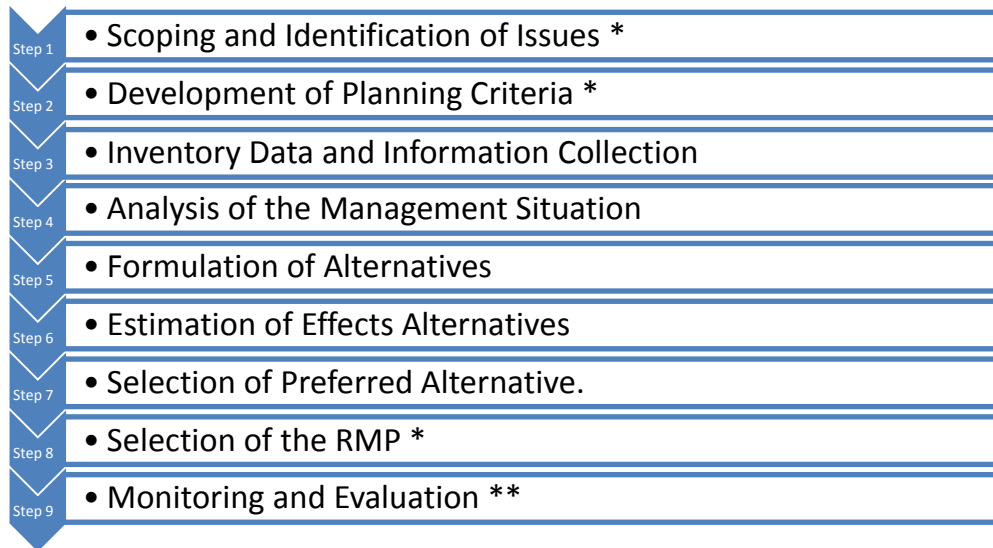
Alternatives constitute a range of management actions which are anticipated to achieve identified goals or objectives. During alternative formulation (Step 5), the BLM Billings Field Office collaborated with cooperating agencies to identify goals and objectives (desired outcomes) for resources and resource uses in the planning area.

These desired outcomes addressed the key planning issues, were constrained by the planning criteria, and incorporated the management opportunities identified by the BLM. Details of the alternatives were developed through the identification of management actions and allowable uses anticipated to achieve the goals and objectives. The alternatives represent a reasonable range for managing resources and resource uses within the planning area under the multiple use and sustained yield mandate of FLPMA. Chapter 2 of this document describes and summarizes the alternatives.

This RMP/EIS also includes an analysis of the impacts of each alternative in Chapter 4 (Step 6). With input from cooperating agencies and BLM specialists, and in consideration of planning issues, planning criteria, and the impacts of the alternatives, the BLM has identified a Preferred Alternative (Alternative D) from among the four alternatives (Step 7). This is documented in the RMP/EIS, which will be distributed to the public for review and comment (also Step 7).

Step 8 of the land use planning process will occur following receipt and consideration of public comments on the RMP/EIS. In preparing the Proposed RMP/Final EIS, the BLM will consider all comments received during the public comment period. In developing the Proposed RMP/Final EIS, the Montana BLM state director, who is the decision maker for this plan revision, has the authority and discretion to select an alternative in its entirety or to combine components of the various alternatives presented to prioritize differing resources and/or uses consistent with the multiple use and sustained yield mandate. Because these are combined planning efforts, upon issuance of the Billings and PPNM Proposed RMP and Final EIS, and subsequent reviews and resolution of protests, if any, two separate Records of Decision (RODs) will be issued. The regulations at 43 CFR Part 1610 provide, prior to the approval of the proposed RMP, a 60-day period for the governor of Montana for "consistency review" and a 30-day period to protest the Proposed RMP to the BLM Director for "any person who participated in the planning process and has an interest which is or may be adversely affected by the approval" of the Proposed RMP/Final EIS. Step 9, Monitoring and Evaluation, occurs after a Record of Decision (ROD) is issued and the Approved RMP is being implemented.

Figure 1-1 Nine Step Planning Process



Source: 43 CFR 1610.4

Note: * Public participation is invited throughout the planning process, but is formally requested at these steps.

** The RMP will be revised as necessary based on monitoring and evaluation findings, new data, new or revised policy, and changes in circumstances consistent with applicable laws and regulations.

1.4 Decision Framework

As stated in the previous section, identifying the planning issues and developing planning criteria are the first steps in defining the scope of the RMP revision. The planning issues and criteria provide the framework in which planning decisions are made. Planning decisions refer to what is established or determined by the approved RMP. The RMP provides guidance for planning decisions according to the following categories:

- Physical, Biological, and Cultural/Heritage Resources
- Resource Uses and Support
- Special Designations

In the context of these categories, management strategies were developed to provide viable options for addressing planning issues. The management strategies provide the building blocks from which general management scenarios and the more detailed resource management alternatives were developed. The resource management alternatives reflect a reasonable range of management options that fall within limits set by the planning criteria. The planning issues and planning criteria used to revise the existing plans are described in the following sections.

1.4.1 Planning Issues

The BLM conducted an early and open scoping process to determine the scope, or range, of issues to be addressed in this RMP/EIS. Scoping identifies the affected public and agency concerns, defines the relevant issues and alternatives that will be examined in detail in the RMP/EIS, and eliminates those issues that are not significant. The BLM's Handbook H-1601-1 *Land Use Planning Handbook* defines planning issues as "disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices."

Public scoping was designed to meet the public involvement requirements of FLPMA and NEPA. This cooperative process included soliciting input from interested state and local governments, tribal governments, other federal agencies and organizations, and individuals, to identify the scope of issues to be addressed in the plan and to assist in the formulation of reasonable alternatives. The scoping process was an excellent method for opening dialogue between the BLM and the general public about management of the public lands and for identifying the concerns of those who have an interest in the area.

As part of the scoping process, the BLM also requested that the public submit nominations for potential areas of critical environmental concern (ACECs) and nominations of rivers for potential inclusion in the National Wild and Scenic Rivers System (NWSRS).

The scoping period for the Billings and Pompeys Pillar National Monument RMP began on May 15, 2008 with publication of the Notice of Intent (NOI) in the Federal Register, and ended on August 22, 2008. Scoping included open-house meetings in seven communities (Pompeys Pillar National Monument, Billings, Bridger, Red Lodge, Big Timber, and Roundup, Montana, and Lovell, Wyoming). In addition, the BLM issued news releases to notify the public regarding the scoping period and the planning process and to invite the public to provide written comments. The Billings Field Office received written comments via email, fax, and regular mail. Comments obtained from the public during the scoping period were used to define the relevant issues that would be addressed by a reasonable range of alternatives.

For the Billings and Pompeys Pillar National Monument RMP/EIS planning process, scoping comments received were placed in one of three categories:

- Issues to be resolved in the RMP/EIS
- Issues addressed through other policy or administrative action (and therefore not addressed in the RMP/EIS)
- Issues eliminated from detailed analysis because they are beyond the scope of the RMP/EIS

Some important issues to be addressed in the RMP were identified by the public and other agencies during the scoping process. The Billings and Pompeys Pillar National Monument RMP/EIS Scoping Report (available for review on the RMP planning web page at

http://www.blm.gov/mt/st/en/fo/billings_field_office/rmp.html) summarizes the scoping process.

The issues identified in the Scoping Report fall into one of 10 broad categories. Other resource and use issues are identified in the BLM Planning Handbook (H-1601-1). All of these issues were considered in developing the alternatives brought forward in this RMP/EIS.

1.4.1.1 Travel Management Planning

Travel management and access is addressed at two levels in this document. Proposed travel management is described both at the land-use planning level (allocating open, closed, and limited area designations) as well as at the Field Office level (specific route designations) as part of the RMP decision to be made. In addition, there are eleven Travel Management Areas (TMA) for which site-specific management by individual travel routes is proposed by alternative. Site-specific travel plan decisions for each of these eleven areas will be made separately from the RMP level decisions as implementation level decisions.

Four public meetings were held over a one-week period in June 2009. These public meetings were held in the population centers nearest the eleven travel management areas: Lovell, Wyoming: Cottonwood and Pryor Mountain TMAs; Bridger, Montana: Cottonwood, Grove Creek, Warren, and Pryor Mountain TMAs; Roundup, Montana: Horsethief and Gage Dome/Colony Road TMAs; and Billings, Montana: Acton, Cottonwood, Grove Creek, Mill Creek/Bundy, Pryor Mountain, Shepherd Ah-Nei, South Hills, and Tin Can Hill TMAs. To advertise the meetings, BLM sent a newsletter to all people on its mailing list and advertised the meetings on its public website. In addition, BLM sent a press release to the appropriate newspapers, radio stations, and television stations announcing the meetings.

The participants at the public meetings were asked to provide written comments on the proposals for consideration in the travel management process. Meeting participants reviewed maps and information related to the proposed eleven TMAs. (See Appendix O for Travel Management Route Designation Process and Implementation-Level Plans)

1.4.1.2 Issues to be Addressed in the Billings and Pompeys Pillar National Monument RMP/EIS

Those planning issues determined to be within the scope of the EIS are used to develop one or more of the alternatives or are addressed in other parts of the EIS. For example, as planning issues were refined, the BLM collaborated with cooperating agencies to develop a reasonable range of alternatives designed to address and (or) resolve key planning issues, such as what areas, if any, contain unique or sensitive resources requiring special management. A reasonable range of alternatives provides various scenarios for how the BLM and cooperating agencies can address this and other key planning issues, including the management of resources and resource uses in the decision area. In other words, key planning issues serve as the rationale for alternative development. The key planning issues identified for developing alternatives in this EIS are listed below:

Issue 1: How can the public lands be managed to provide desired plant communities?

A healthy cover of perennial vegetation stabilizes the soil, increases infiltration of precipitation, reduces runoff, provides clean water to adjacent streams, and minimizes noxious weed invasion. Some resource uses (e.g., grazing, mineral development, OHV use, and recreation) can affect the natural function and condition of plant communities. Plant communities can also be altered and affected by fire, invasive species, and natural disasters (e.g., floods and drought). All factors mentioned that may affect rangeland, forest, and riparian vegetation will be addressed in the RMP.

Issue 2: How can public lands be managed to maintain or improve wildlife and fisheries habitats and control invasive species?

Where public land ownership patterns are highly fragmented protection and/or improvement of fish and wildlife habitats is more challenging. The key to maintaining fish and wildlife habitats is diverse, healthy vegetation and plant communities and good water quality, stream channel, and riparian conditions. The RMP will identify the range (current and potential) of wildlife habitat as well as habitat conditions in the decision area.

Issue 3: How can public lands be managed to conserve and recover threatened, endangered, proposed, and sensitive species, including Greater Sage-grouse?

The majority of the animal species considered sensitive by Montana/Dakotas BLM are found in habitats within the planning area. Many of these species are associated with grassland and sagebrush habitats, and the decision area contains a portion of their global breeding range.

The RMP will identify reasonable strategies to conserve and recover special status species in the decision area in consultation with the U.S. Fish and Wildlife Service as required under the Endangered Species Act and Bureau Special Status Species policy. Special status species include species listed, proposed for listing, or candidate species under the Endangered Species Act and sensitive species identified by the BLM (Appendix H).

In March 2010, the U.S. Fish and Wildlife Service (USFWS) determined that the greater sage-grouse warranted protection under the Endangered Species (ESA), but that listing the species was precluded by the need to address other, higher-priority species first (75 FR 13910, March 23, 2010). One reason for the USFWS decision was an identified need for “improved regulatory mechanisms” to ensure species conservation. The principal regulatory mechanisms for BLM are Resource Management Plans (RMPs), therefore, the BLM is using this opportunity to develop long-term and effective management for the species on the BLM lands (WO IM 2012-044).

Issue 4: What public lands will be available for commercial activities and how will those activities be managed while protecting the integrity of other resources.

A wide variety of commercial activities are conducted on BLM-managed lands in the planning area. Some of the primary uses are: oil and gas development, coal mining, livestock grazing, rights-of-way and land use authorizations, commercial recreation permits, locatable/saleable

minerals, and forest product removal, and community wildfire protection plans. The potential for wind power development is also present. The RMP will identify areas available for commercial activities and how those activities will be managed to protect resource values.

Issue 5: How should recreation activities be managed in response to public demand while protecting natural and cultural resource values and provide for visitor safety?

Recreation use in the decision area continues to increase. With this popularity has come a demand for a greater variety and availability of recreation opportunities such as motorized and non-motorized trails (including equestrian trails), climbing, mountain biking, hiking, and camping. With the number of visitors growing, resource and user conflicts are becoming more common. Recreational use needs to be managed, including identifying special recreation management areas (SRMAs) where management attention is needed to highlight important recreational opportunities or deal with problems such as conflicts between users or impacts on other resources. The RMP should assist the BLM in providing access to the public lands and to ensure quality environmentally responsible outdoor recreational opportunities, experiences, and benefits for the growing number of public land users.

Issue 6: How will conflicts between motorized and non-motorized uses be resolved and how will effects to resources from motorized use be addressed?

Use of the public lands in south central Montana (for recreation, commercial uses, and general enjoyment) has grown in popularity in recent years. With this popularity has come a demand for greater variety and availability of access opportunities, including off-highway vehicle (OHV) use. With the number of visitors growing, resource and user conflicts are becoming more common. Motorized use needs to be managed, including identifying areas to be restricted or closed for the protection of other resource values.

Major considerations in alternative development and estimation of the effects for travel and access management in the RMP will include: public and administrative access needs, road densities, recreational activities, and resource values.

Issue 7: What areas should be designated for special management (e.g., ACECs and Wild and Scenic Rivers) and how should these areas be managed?

FLPMA and BLM policy require the BLM to give priority to designation and protection of ACECs during the land use planning process. The Wild and Scenic River (WSR) Act directs federal agencies to consider the potential for including watercourses into the National Wild and Scenic Rivers System during the land use planning process. The alternatives analyzed in this RMP/EIS include a range of management prescriptions for managing the existing and potential ACECs, as well as for managing the eligible rivers as suitable WSRs.

As part of the Billings and Pompeys Pillar National Monument RMP/EIS development, evaluations were conducted to address whether certain places in the decision area qualified/remained qualified for special designation to protect unique or significant values. Subject to valid existing rights, the RMP will avoid approval of proposed actions that could degrade the values of potential special designations.

Issue 8: How will local social and economic conditions be addressed?

Through this RMP/EIS, the BLM will identify how management of various resources and BLM authorized activities in the decision area will affect economic and social conditions.

Issue 9: How will the cultural and historic values at Pompeys Pillar National Monument be protected?

The cultural and historic values and associated viewshed at Pompeys Pillar NM (if it is within the decision area) will be preserved through management actions developed in this RMP for Pompeys Pillar National Monument. Pompeys Pillar National Monument (51 acres) was designated a national monument for the purpose of protecting ethnographic, historic, and archaeological values associated with Pompeys Pillar.

Issue 10: How will recreation and visitor services at Pompeys Pillar National Monument be managed?

Pompeys Pillar National Monument and ACEC will be managed to provide for interpretation, use, and enjoyment while protecting the significant resource values, providing for user safety, and maximizing socio-economic benefits.

1.4.1.3 Issues Considered But Not Further Analyzed

1.4.1.3.1 Master Leasing Plans

During the preparation of the Billings and Pompeys Pillar National Monument RMP revision, the BLM issued Washington Office Instruction Memorandum (IM) 2010-117 which introduced the Master Leasing Plan (MLP) concept as part of the BLM Oil and Leasing Reform. The MLP process entails analyzing likely development scenarios and varying levels of protective design features and/or mitigation measures in a defined area with greater detail (i.e., at a finer scale) than a traditional RMP allocation analysis, but at a less site-specific level than a development plan that has been fully defined by an operator. While preparation of some MLPs may result in land use plan-level decisions, some may result in implementation-level decisions.

No externally generated MLP proposals were received for the Billings Field Office. After an internal review by BLM staff, the need to address or consider an MLP within the Billings Field Office was determined not to meet the criteria. The following provides a brief overview of the findings of the review criteria. For a more detailed review of the MLP criteria and considerations, a full report can be reviewed at:

http://www.blm.gov/style/medialib/blm/mt/blm_programs/energy/oil_and_gas/leasing/leasing_reform.Par.58748.File.dat/MLPAssessments.pdf

There is not a majority of federal mineral estate within the area (only 17% percent of the area is federal mineral estate). In addition, there is not a substantial portion of the federal mineral estate that is currently leased (57 percent). The Billings Field Office is considered to have mostly moderate to low occurrence potential based on the updated Reasonably Foreseeable Development (RFD) scenario prepared for the draft Billings and Pompeys Pillar National Monument RMP/EIS. There is scattered oil production throughout the southern portion of the

area, as well as some production in the northeast corner of the area. This production is in older fields with all of the wells being drilled prior to 2000. Since the area only contains 23 percent federal mineral estate, and since there is no new discovery, an MLP analysis is not warranted at this time.

Based on the reasons described above and the range of alternatives considered to address the planning issues and resource values identified, in relationship to oil and gas leasing and development, an MLP proposal is not analyzed further in this RMP.

1.4.1.4 Issues Addressed Through Policy or Administrative Action

Policy or administrative actions include those actions that are implemented by the BLM because they are standard operating procedure, because federal law requires them, or because they are BLM policy. Administrative actions do not require a planning decision to implement. They are, therefore, issues that are eliminated from detailed analysis in this planning effort. The following issues can be addressed by policy or administrative actions:

- Compliance with existing laws and policies (e.g., FLPMA, NEPA, Endangered Species Act, American Antiquities Act, Clean Air Act, Clean Water Act, National Historic Preservation Act [NHPA], etc.).
- The allocation of forage between livestock and wildlife, and the application of specific management practices on allotments within the Billings Field Office is provided for through the application of Montana's Standards for Rangeland Health, Guidelines for Livestock Grazing Management, and supporting monitoring data. When monitoring and inventory data indicate a need, changes to the allocation of forage for livestock and wildlife are made after coordination with permittees, the Montana Fish, Wildlife, and Parks, and other affected interests in order to assure that resource objectives are met. Livestock grazing management practices may also be adjusted to assure that grazing practices are compatible with other uses of the public lands. These allocation and management adjustments are implementation decisions according to the BLM's Land Use Planning Handbook (H-1601-1), and are done on an allotment or other site-specific basis.
- Education, enforcement/prosecution, vandalism, and volunteer coordination.
- Assist in resolving, to the extent possible, inconsistencies between federal and non-federal agency plans, and to be consistent with state and local plans to the maximum extent, consistent with federal law and the purposes of FLPMA.
- Management of cultural resources, which includes up-to-date inventories, non-disclosure of sensitive sites, proposal of cultural sites for the National Register of Historic Places (NRHP), and Native American consultation.
- Management of the Billings Field Office's four existing WSAs (approximately 28,631 acres) follows BLM Manual 6330 – Management of BLM Wilderness

Study Areas until such time as Congress acts upon the recommendations. The BLM is statutorily (FLPMA Section 603(c)) required to manage these areas to protect their suitability for Congressional designation into the National Wilderness Preservation System unless and until Congress either designates an area as wilderness or releases it from further consideration. The BLM's discretion to make planning decisions on management of WSAs is limited to designating WSAs as visual resource management (VRM) Class I and determining if the WSAs will be limited or closed to OHV use.

- Completion of inventory of riparian and wetland areas and the use of monitoring and mitigation to help protect these resources.
- Recreation management improvements, including a comprehensive sign system and maps.
- Administration of existing mineral leases, permits, and other authorized uses.
- Administration of valid existing rights.
- Monitoring wildlife and biodiversity.
- Monitoring air quality.
- Mitigation measures for site-specific projects.
- Noxious weed control.
- Eligibility standards for specially designated areas.
- Protection of threatened, endangered, or sensitive species.
- Coordination with local, state, and federal agencies.
- Cooperation with user groups.

1.4.1.5 Issues beyond the Scope of the RMP

Issues beyond the scope of the RMP process include all issues not related to decisions that would occur as a result of the planning process. They include decisions that are not under the jurisdiction of the Billings Field Office or are beyond the capability of the BLM to resolve as part of the planning process. Issues identified in this category include:

- Settlement of RS 2477 claims. The State of Montana and the Counties of Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone and the State of Wyoming and Big Horn County may hold valid existing highway rights-of-way across public lands in the planning area pursuant to Revised Statute (RS) 2477, Act of July 26, 1866, chapter 262, § 8, 14 Stat. 251, 253, *codified at* 43 USC § 932. This RMP does not adjudicate, analyze, or otherwise determine the validity of claimed RS 2477 rights-of-way.

Nothing in this RMP extinguishes any valid right-of-way, or alters in any way the legal rights the State of Montana and the Counties of Big Horn, Carbon, Golden Valley, Musselshell, Stillwater, Sweet Grass, Wheatland, and Yellowstone and the State of Wyoming and Big Horn County have to assert and protect RS 2477 rights, and to challenge in federal court or other appropriate venue any use restrictions imposed by the RMP that they believe are inconsistent with their rights. If a claimed right-of-way is recognized by the BLM through an administrative determination, or a right-of-way is determined to be valid by a court of law, any use restriction imposed by this RMP shall no longer apply to it.

- New proposals for WSAs or wilderness. Any individual, organization, or agency can submit potential wilderness designation lands to congress for designation. Only Congress can designate WSAs, established under Section 603 of FLPMA, as wilderness or release WSAs for other uses.
- Expansion of the Pryor Mountain Wild Horse Range beyond the Herd Area. Wild horses can only be managed on areas of public lands where they were known to exist in 1971, at the time of the passage of the Wild Free-Roaming Horses and Burros Act (herd areas and territories). Under section 1339 “Limitation of Authority” the Wild Free-Roaming Horses and Burros Act of 1971 states *“Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist”*. Until a change in the law allows for expansion of the Pryor Mountain Wild Horse Range onto additional Forest Service and BLM lands that are outside of the Herd Area and Territory, the agencies have a legal obligation to follow the law to the greatest extent possible. Horses were in the Pryor Mountains historically, but by 1968 they were largely limited to the 1968 designated range due to the Forest Service/BLM boundary fence. Though there is much supposition as to the extent of wild horses in 1971, comprehensive agency inventories, assessments, and public involvement (Hall, 1972 and BLM/USFS, 1974) provided the basis for Herd Area and Territory boundaries per the 1971 Act. Subsequent land use planning efforts in 1984 (BLM) and 1987 (USFS) validated the same areas as being wild horse herd management area and territory, respectively.
- Activities and uses beyond the jurisdiction of the BLM.
- Changing existing laws, policies, and regulations.
- Availability of funding and personnel for managing programs.

1.4.2 Planning Criteria

BLM planning regulations (43 CFR 1610) require the preparation of planning criteria as preliminary to the development of all RMPs. Planning criteria are the standards, rules, and guidelines that help to guide the planning process. These criteria influence all aspects of the

planning process, including inventory and data collection, developing issues to address, formulating alternatives, estimating impacts, and selecting the Preferred Alternative. In conjunction with the planning issues, planning criteria ensure that the planning process is focused and incorporates appropriate analyses. Planning criteria are developed from appropriate laws, regulations, and policies as well as from public participation and coordination with cooperating agencies, other federal agencies, state and local governments, and American Indian tribes.

Planning criteria used in the development of this RMP are:

- The RMP will recognize the existence of valid existing rights
- The RMP will comply with applicable laws, regulations, executive orders, and BLM supplemental program guidance
- Planning decisions will cover BLM-administered public lands, including split-estate lands where the federal government has retained the sub-surface mineral estate
- Planning decisions will use and observe the principles of multiple use and sustained yield set forth in FLPMA and other applicable law (43 United States Code [USC] 1701 (c)(1))
- The BLM will use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences (43 USC 1701 (c)(2))
- Areas potentially suitable for ACEC or other special designations will be identified and, where appropriate, brought forward for analysis in the EIS (43 USC 1701 (c)(3))
- The BLM will rely, to the extent it is available, on the inventory of public lands, their resources, and other values (43 USC 1701 (c)(4))
- The BLM will consider present and potential uses of the public lands (43 USC 1701 (c)(5))
- The BLM will consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for the realization of those values (43 USC 1701 (c)(6))
- The BLM will consider the relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity
- Decisions in the RMP will comply with applicable pollution control laws, including state and Federal air, water, noise, or other pollution standards or implementation plans (43 USC 1701 (c) (8))

- To the extent consistent with the laws governing the administration of the public lands (FLPMA 202 b(9)), BLM will be consistent with existing officially approved or adopted resource plans, policies, or programs of other federal agencies, state agencies, American Indian tribes, and local governments that may be affected (43 CFR 1610.3-1 (c) (9))
- The National Greater Sage-Grouse Habitat Conservation Strategy (BLM 2004a) requires that impacts to sagebrush habitat and sagebrush-dependent wildlife species (including greater sage-grouse) be analyzed and considered in BLM land use planning efforts for the public lands with sage-grouse/sagebrush habitats.
- The BLM will utilize the Western Association of Fish and Wildlife Agencies (WAFWA) Conservation Assessment of Greater Sage-Grouse and Sagebrush Habitats (Connelly, et al. 2004), and any other appropriate resources, to identify greater sage-grouse habitat requirements and best management practices.

1.4.3 Land Use Planning Decision Levels

The BLM planning process has been organized into different decision levels that progress from the very general to the very specific. Such organization is called a step-down process, which is presented below. Decisions at each step build on the previous steps so that in the end, specific management actions are consistent with the overall BLM mission. Not all steps are the subject of the Billings and Pompeys Pillar National Monument RMP/EIS. The higher-level steps for national, state, and Field Office –wide decisions previously have been established. Annotations in the following outline identify where in the document each step in the outline is presented.

- **Planning Criteria** – Section 1.4.2
- **Scoping Issues** – Section 1.4.1.2
- **Goals and Objectives** for each Resource Program – Section 2.6
- **Management Actions** for each Resource Program – Section 2.6

1.4.3.1 Types of Decisions

The BLM administers programs to manage public resources at the national, state, and local levels. BLM management of public lands is based on a network of decisions made at each of the administration levels. There are two general types of decisions contained in the RMP/EIS; land use plan and implementation. Both are subject to the requirements of NEPA.

Land use plan decisions provide general guidance for future site-specific management activities within a defined framework.

Implementation decisions are characterized by having project or activity level detail, a narrow focus, and actions specific to a unique location during a specified time period.

1.4.3.1.1 Land Use Plan Decisions

This RMP provides general management guidance for management actions. These actions conform to national laws, agency policies, and BLM-wide or statewide plans that are currently approved.

Travel management and access is addressed at two levels in this document: (1) RMP level decisions, such as identification of Travel Management Areas (TMA) and the designation of areas as ‘open,’ ‘closed,’ or ‘limited’ to motorized vehicle use; and (2) site-specific motorized travel route designations within TMAs which are implementation-level decisions.

The Billings and Pompeys Pillar National Monument RMP addresses a range of alternatives for establishing Travel Management Areas. Specific management objectives were defined for each TMA, consistent with the overall desired outcomes for travel management. Within these TMAs, a range of alternatives to address route-specific designations were proposed by alternative, and addressed in this document. However these route-specific designations would be implementation-level decisions. Upon finalization of the RMP, the decision for each of the TMAs will be considered to be separate decisions. Travel management outside of the 11 TMAs would continue to be limited to existing roads and trails and in accordance with the RMP Record of Decision (ROD).

1.4.3.1.2 Implementation Level Decisions

Actions that need a level of analysis beyond that contained in the RMP/EIS would undergo their own NEPA review before they could be implemented. These actions would be in conformance with the Approved RMP and would be tiered to the NEPA analysis contained in the Proposed RMP/Final EIS.

1.5 Consistency with Other Programs, Plans, and Policies

According to one of the regulations implementing FLPMA (43 CFR 1610), BLM RMPs and amendments must be consistent, to the extent practical, with officially approved or adopted resource-related plans of other federal, state, local and tribal governments so long as the guidance and RMPs are also consistent. The BLM RMPs must also be consistent with the purposes, policies, and programs of FLPMA and other federal laws and regulations related to public lands, including federal and state pollution control laws (see 43 CFR 1610.3-2 [a]). If these other entities do not have officially approved or adopted resource-related plans, then the BLM RMPs must, to the extent practical, be consistent with those entities’ officially approved and adopted resource-related policies and programs. This consistency will be accomplished through incorporating the policies, programs, and provisions of public land laws and regulations and federal and state pollution control laws (see 43 CFR 1610.3-2 [b]).

Before the BLM state director approves RMP decisions, the Montana governor has 60 days to identify inconsistencies between the proposed plan and state plans and programs and to provide written comments to the BLM state director. The BLM and the state may mutually agree on a shorter review period. If the governor does not respond within this period, it is assumed that the proposed RMP decisions are consistent. If the governor recommends changes in the proposed

plan or amendment that were not raised during the public participation process, the state director shall provide the public with an opportunity to comment on the recommendations (see 43 CFR 1610.3-2 [e]). This public comment opportunity will be offered for 30 days and may coincide with the 30-day comment period for the notice of significant change. If the state director does not accept the governor's recommendations, the governor has 30 days to appeal in writing to the BLM director (see 43 CFR 1610.3-2[e]).

Plans formulated by federal, state, local, and tribal governments that relate to management of lands and resources have been reviewed for consistency as the Billings and Pompeys Pillar National Monument RMP/EIS has been developed.

- National Sage-Grouse Habitat Conservation Strategy (BLM 2004a)

This plan serves as guidance on managing, restoring, and enhancing sagebrush habitat on BLM lands. The guidance is designed to support and promote the range-wide conservation of sagebrush habitats for sage-grouse and other sagebrush-obligate wildlife species.

1.5.1 County Plans

The planning area encompasses approximately 434,154 BLM-administered surface acres located in portions of Big Horn, County, Montana, and all of Carbon, Golden, Musselshell, Stillwater, Sweet Grass, Wheatland and Yellowstone counties. Additionally, there are about 4,298 acres administered by the Billings Field Office in Big Horn County, Wyoming. There are also approximately 1,839,782 subsurface acres of mineral estate administered by the Billings Field Office in the planning area.

The BLM completed a consistency review of existing county Land Use Plans (LUP). The following county plans or growth plans/policies that were reviewed in either draft or final form at the time this report was being prepared include:

- Carbon County Montana Growth Policy (2003)
- Red Lodge Growth Policy (2008)
- Park County (1998)
- Cody Comprehensive Plan (1997)
- Stillwater County Growth Policy (2007)
- Columbus Area Growth Policy (2005)
- Sweet Grass County Growth Policy (2008)
- Big Timber Growth Policy (2008)
- Big Horn County, Wyoming, Community Assessment
- Yellowstone County Growth Policy – combined with Billings (Draft 2008)
- Laurel Growth Management Plan (2004)

Other community assessments and plans were reviewed to capture local/regional concerns and for consistency purposes, including the Yellowstone Business Partnership Seasonality Project (Billings-Cody subregion). County wildfire protection plans that address hazardous fuels and fire suppression were also reviewed and are consistent with the BLM local and national fire plans.

1.5.2 State Plans

A number of planning documents, strategies, or policies that guide management activities affect public lands. Many of the plans directly impact or otherwise affect BLM-administered public lands, agreements, or other partnership involvement opportunities. In addition to BLM's cooperating agency relationship with several state agencies (see Cooperating Agencies section below), ongoing coordination and communication will take place to ensure consistency, as appropriate. A list of state plans most pertinent to the decision area is below. BLM resource specialists reviewed many of these plans and determined that to the extent possible, they are consistent with current management of BLM public lands.

- Air Pollution State Implementation Plan (MT Department of Environmental Quality [MTDEQ])
- Montana's Comprehensive Fish and Wildlife Conservation Strategy Statewide Habitat Plan (MT Fish, Wildlife, and Parks [MTFWP], 1994)
- Management plan and conservation strategies for greater sage-grouse in Montana (MT Greater Sage-Grouse Working Group, 2004)
- Montana Statewide Elk Management Plan (2004)
- Conservation Plan for Black-tailed and White-tailed Prairie Dogs in Montana (MT Prairie Dog Working Group, 2002)
- Montana Bald Eagle Management Plan. 2nd ed. (MT Bald Eagle Working Group, 1994)
- Montana Gray Wolf Conservation and Management Plan (MTFWP, 2003)
- Conservation Plan for Grizzly Bear in Montana (MTFWP, 2001)
- Montana Fish, Wildlife & Parks Endangered Wildlife Program
- Conservation Agreement for Yellowstone Cutthroat Trout (MTFWP, 1999)
- Management of Mountain Lions in Montana (MTFWP, 1996)
- Montana Nonpoint Source Management Plan (MTDEQ 2007)
- Montana Tourism and Recreation Strategic Plan (2008)

- The Montana Weed Management Plan (Montana Noxious Weed Summit Advisory Council Weed Management Task Force, May 2008)
- The Montana Weed Management Plan (Duncan 2005)
- Boulder River Watershed Total Maximum Daily Loads (MDEQ 2009)
- Salinity TMDL for Sage Creek, Montana (MDEQ 2002)
- Lower Musselshell TMDL Planning Area Decision Document (MDEQ 2001)

1.5.3 Other Federal Agency Plans

- Custer National Forest Land and Resource Management Plan (Forest Plan), Final Environmental Impact Statement (FEIS), and Record of Decision (ROD) (1987), as amended
- Gallatin National Forest Land and Resource Management Plan (Forest Plan), Final Environmental Impact Statement (FEIS), and Record of Decision (ROD) (1987), as amended
- U.S. Army Corps of Engineers – Yellowstone River Corridor Comprehensive Study <http://nris.mt.gov/yellowstone>
- Crow Indian Reservation Natural, Socio-Economic and Cultural Resources Assessment and Conditions Report (2002)
<http://www.deq.mt.gov/CoalBedMethane/FinalEIS/CrowNarrative.pdf>
- Northern Cheyenne Tribe and Its Reservation (2002)
- U.S. Department of Interior National Park Service, Lewis and Clark National Historic Trail Comprehensive Plan for Management and Use (1982)
<http://www.nps.gov/lecl/parkmgmt/index.htm>
- U.S. Department of Agriculture Forest Service, Nez Perce National Historic Trail Comprehensive Management Plan (1990)
<http://www.fs.usda.gov/main/npnht/landmanagement>

1.5.4 Other Related Plans

FLPMA requires that the BLM, when developing or revising land use plans, shall—

...to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management of activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located...and assure that consideration is given to those State, local and tribal land use plans for public lands [and]

assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans...(43 U.S.C. S 1712 (c) (9))

The BLM must keep apprised of the many ongoing programs, plans, and policies that are being implemented in the planning area by other federal, state, local, and tribal governments. The BLM will seek to be consistent with or complementary to other management actions whenever possible.

A number of plans have been developed by the BLM that relate to or otherwise govern management in the decision area. Some of these plans amended the Billings RMP while others, though they have not been formally adopted through the land use planning process, are considered by BLM when implementation level planning is conducted or other specific actions are analyzed. These major plans and other major management guidance are listed below and provide a perspective of the many management considerations pertinent to the Decision Area.

1.5.4.1 Land Use Plans and Amendments

- Billings Resource Management Plan (1984)
- Wilderness EIS for the Billings Resource Area (1988)
- Pryor Mountain Herd Management Area Plan (activity plan and amendment) (1992)
- Miles City District Oil and Gas RMP Amendment/EIS (1994)
- Pompeys Pillar Environmental Assessment/Amendment (1996)
- Standards for Rangeland Health and Guidelines for Livestock Grazing for Montana, North Dakota, and South Dakota Record of Decision (USDI-BLM 1997)
- Areas of Critical Environmental Concern Environmental Assessment and Amendment of the Billings, Powder River, and South Dakota RMPs (1999)
- Pompeys Pillar Interpretative Center Environmental Assessment and Amendment (2002)
- Sundance Lodge and Four Dances Environmental Assessment/Amendment (2002)
- Off-Highway Vehicle Record of Decision and Plan Amendment for Montana, North Dakota, and Portions of South Dakota (USDI-BLM 2003)
- Fire/Fuels Management Plan Environmental Assessment/Plan Amendment for Montana and the Dakotas (USDI-BLM 2003)
- Montana Final Statewide Oil and Gas EIS and Amendment for Powder River and Billings RMPs (2003)

- Supplement to the Montana Statewide Oil and Gas EIS and Amendment of the Powder River and Billings RMPs (2008)
- Pryor Mountain Herd Management Area Plan (activity plan and amendment) (2009)

1.5.4.2 Other National, Statewide, and Field Office Plans

- Vegetation Treatment on BLM Lands in Thirteen Western States (USDI-BLM 1991)
- Amendment for Wind Energy Development for BLM Lands in the Western United States (2005)
- Climate Change Supplementary Information Report: Montana, North Dakota, and South Dakota Bureau of Land Management (2010)
- Vegetation Treatments Using Herbicides on BLM Lands in Seventeen Western States (USDI-BLM 2007)
- Geothermal Leasing in the Western United States Final EIS (2008)
- Montana Statewide Wilderness Study Report (USDI-BLM 1991)
- National Fire Plan and 2001 Federal Fire Policy
- Draft National BLM Sage Grouse Habitat Conservation Strategy (USDI-BLM 2003)
- Interim Bull Trout Habitat Conservation Strategy and Implementation (USDI-BLM 1996)
- BLM Butte Resource Management Plan and Environmental Impact Statement and Record of Decision (2009)
http://www.blm.gov/mt/st/en/fo/butte_field_office/rmp/rod.html
- BLM Miles City Resource Management Plan and Environmental Impact Statement (currently under revision, to be completed in 2013)
http://www.blm.gov/mt/st/en/fo/miles_city_field_office/rmp.html
- BLM Bighorn Basin RMP revision Draft RMP/EIS
<http://www.blm.gov/wy/st/en/programs/Planning/rmps/bighorn/docs/drmp.html>

1.5.4.3 Related Plans

- Canada Lynx Conservation Assessment and Strategy (Ruediger *et al.* 2000)
- Montana Bald Eagle Management Plan (USBOR 1994)
- Pacific Bald Eagle Recovery Plan (USFWS 1986)

- Management Plan and Conservation Strategies for Sage-Grouse in Montana – Final. The Management Plan and Conservation Strategies for Sage-Grouse in Montana (MSGWG 2005) is designed to provide biological information, identify information gaps, and facilitate data collection required for future resource management decisions. It establishes a process to achieve sage-grouse management objectives and provides a framework to guide local management efforts. Regional or local groups will adapt the statewide plan to develop and implement strategies in respective geographic areas that will improve or maintain the sagebrush steppe and reduce or mitigate factors that may further reduce habitats or populations.

1.6 Consultation and Coordination

This section describes specific actions taken by the BLM to consult and coordinate with American Indian tribes, government agencies, and interest groups, and to involve the interested public during preparation of the RMP/EIS.

A Notice of Intent (NOI) published in the *Federal Register* (FR) on May 15, 2008 formally announced the intent of the BLM to revise the existing plans and prepare the associated EIS.

Publication of the NOI initiated the scoping process and invited participation of affected and interested agencies, organizations, and the general public in determining the scope and issues to be addressed by alternatives and analyzed in the EIS. Additional detail regarding actions taken by the BLM to involve the public and consult and coordinate with American Indian tribes, government agencies, and interest groups is provided in Chapter 5.

1.6.1 Consultation with American Indian Tribes

Consultation with American Indian tribes is part of the NEPA scoping process and a requirement of FLPMA. RMPs must address consistency with tribal plans and protection of treaty rights and must observe specific planning coordination authorities, including complying with relevant portions of the National Historic Preservation Act, American Indian Religious Freedom Act, Executive Order 13007 (*Indian Sacred Sites*), and Executive Order 12898 (*Environmental Justice*). In developing the Billings and Pompeys Pillar National Monument RMP/EIS, BLM representatives offered to meet with representatives of sixteen American Indian tribes to inform them of the planning process and solicit information on potential issues and concerns. None of the tribes responded to the offers. These same tribes were also invited to become cooperating agencies on the Billings and Pompeys Pillar National Monument RMP/EIS. The Northern Cheyenne tribe became a cooperating agency. Tribal consultation is still ongoing. American Indian tribes and organizations invited to become cooperating agencies to date include:

- Arapahoe
- Assiniboine and Gros Ventre (Ft. Belknap)
- Assiniboine and Sioux (Ft. Peck)

- Blackfeet
- Chippewa Cree (Rocky Boy)
- Crow
- Lower Brule
- Northern Cheyenne
- Oglala Sioux
- Rosebud Sioux
- Standing Rock Sioux
- Three Affiliated Tribes (Mandan, Hidatsa, and Arikara Nations)
- Turtle Mountain Band of Chippewa

A more detailed discussion of consultation with American Indian tribes can be found in Chapter 5 of this RMP/EIS.

1.6.2 Cooperating Agencies

CEQ requirements contained in 40 CFR 1501.6 and 1508.5 implement the NEPA mandate that federal agencies responsible for preparing NEPA analysis and documentation do so “in cooperation with state and local governments” and other agencies with jurisdiction by law or special expertise (42 USC 4331(a), 4332(2)). In support of this mandate, the BLM invited local, county, state, and tribal agencies to participate as cooperating agencies in the development of the Billings and Pompeys Pillar National Monument RMP/EIS. Cooperating agency status offers the opportunity for interested agencies to assume additional roles and responsibilities beyond the collaborative planning processes of attending public meetings and reviewing and commenting on plan documents. Fifteen agencies accepted the invitations to become formal cooperating agencies in developing the RMP and signed cooperating agency agreements:

- Big Horn County, Wyoming
- Bureau of Indian Affairs
- Bureau of Reclamation
- Carbon County, Montana
- Department of Natural Resources and Conservation Northeastern Land Office
- Department of Natural Resources and Conservation Southern Land Office
- Golden Valley County, Montana
- Montana Association of Conservation Districts
- Montana Fish, Wildlife, and Parks
- Montana State Historic Preservation Office
- Musselshell County, Montana

- Musselshell Planning Project
- Northern Cheyenne Tribe
- Wheatland County, Montana
- Yellowstone County, Montana

Other state and federal agencies, participated as part of the review process, but were not formal cooperating agencies: Wyoming Fish and Game Department, Wyoming State Historic Preservation Office, NPS Bighorn Canyon NRA, USFS Custer National Forest, and U.S. Fish and Wildlife Service (USFWS).

1.6.3 Consultation with USFWS

The Endangered Species Act (ESA) directs all Federal agencies to work to conserve endangered and threatened species and to use their authorities to further the purposes of the Act. Section 7 of the Act, called “Interagency Cooperation,” is the mechanism by which Federal agencies ensure the actions they take, including those they fund or authorize, do not jeopardize the existence of any listed species.

In 2008, the BLM and USFWS signed and implemented a Consultation Agreement for the RMP revision for the Billings Field Office (BLM and USFWS 2008). That document defined the respective roles and responsibilities of the two agencies and addressed the Section 7 consultation process to be followed for listed, proposed, or candidate species and their habitat located within the respective planning areas. As part of the implementation of this agreement, the Billings Field Office has consulted with USFWS throughout development of the RMP/EIS. The Billings Field Office will continue consultation with the USFWS through completion of the final biological assessment (BA) and Proposed RMP/Final EIS.

The BLM sent a letter to the USFWS concerning Section 7 consultation, presenting the approach for consultation, including the process of Programmatic Species-Specific Section 7 consultations on Montana BLM RMPs. The USFWS provided a species list to the Billings Field Office for evaluating BLM Section 7 responsibilities. A draft biological assessment analyzing potential impacts to these species has been prepared and informally submitted to the USFWS for comment. The BLM has incorporated into the RMP/EIS a list of species-specific conservation measures common to all alternatives that will serve to provide management direction for habitat of listed species (Appendix H). These measures were developed as a result of a statewide programmatic Section 7 consultation effort on existing land use plans.

Section 7 consultation has previously occurred for the oil and gas lease sale program within the Billings Field Office. A set of lease notices, developed as part of that consultation, have been incorporated into this RMP/EIS, as standard requirements common to all alternatives (see Appendix B).

Formal Section 7 consultation will proceed with the BLM’s submission of a final biological assessment prepared for the Proposed RMP/Final EIS. The USFWS will respond with a

biological opinion that will be included in the administrative record. The BLM will consider application of all measures suggested by the USFWS.

1.7 Policy

No proclamations or legislative designations that would influence decisions or constrain the alternatives have been issued within the decision area.

Implementing the RMP begins when the Montana BLM State Director signs the ROD for the RMP. Implementation of the decisions in the RMP would be tied to the BLM budgeting process. An implementation schedule would be developed, providing for the systematic accomplishment of decisions in the approved RMP.

This page intentionally left blank.